
SUBSTITUTE SENATE BILL 5786

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Kline, Murray, Regala, Weinstein, Fairley, Pridemore, Brown, Jacobsen, Rockefeller, Kohl-Welles and Spanel)

READ FIRST TIME 02/22/07.

1 AN ACT Relating to creating a death penalty task force; creating
2 new sections; making appropriations; and providing an expiration date.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) The legislature recognizes the growing
5 concern by Washingtonians, members of the judicial branch, and members
6 of the legislature about the administration of the death penalty in
7 Washington. In a March 30, 2006, decision, the Washington supreme
8 court was divided five to four over whether Washington's capital
9 punishment system is applied fairly. The five justice majority
10 concluded that the fact that Mr. Gary Ridgway "will live out his life
11 in prison instead of facing the death penalty has caused many in our
12 community to seriously question whether the death penalty can, in
13 fairness, be proportional when applied to any other defendant...it is a
14 question best left to the people and to their elected representatives
15 in the legislature." The four justice dissent reasoned, after review
16 of Washington's death penalty statute over the twenty-five years of its
17 existence, that "the death penalty is like lightning, randomly striking
18 some defendants and not others," and concluded that "no rational

1 explanation exists to explain why some individuals escape the penalty
2 of death and others do not."

3 (2) The legislature finds that historically most death sentences
4 imposed in Washington have been reversed and rarely imposed. The
5 legislature further finds that it is in the state's interest to
6 determine whether the state's capital punishment system is applied
7 fairly and proportionally, and whether the continued allocation of
8 substantial time, resources, and moneys spent on capital trials and
9 appeals is warranted.

10 NEW SECTION. **Sec. 2.** (1) A death penalty task force is created
11 for the purpose of conducting a review of the existing death penalty
12 statutes and court rules to determine the following:

13 (a) The uniformity and consistency of decision making by
14 prosecuting attorneys in terms of charging defendants with aggravated
15 first degree murder and the criteria used in such decisions;

16 (b) Whether race, ethnicity, gender, and economic status play a
17 role in charging defendants with aggravated first degree murder;

18 (c) The administration of Washington's death penalty law since the
19 enactment of chapter 10.95 RCW to determine how it is applied;

20 (d) The costs associated with capital trials and appeals;

21 (e) Whether there are revisions to existing statutes and court
22 rules that, if implemented, would make consistent the imposition of the
23 death penalty; and

24 (f) The amount of time devoted to the appeals process in death
25 penalty cases compared to the appeals process in cases involving life
26 without parole.

27 (2) The task force shall consist of the following fourteen members:

28 (a) Two members appointed by the chief justice of the Washington
29 supreme court;

30 (b) One member from each of the two largest caucuses of the house
31 of representatives, appointed by the speaker of the house of
32 representatives;

33 (c) One member from each of the two largest caucuses of the senate,
34 appointed by the president of the senate;

35 (d) One member representing the governor's policy office, appointed
36 by the governor;

1 (e) One member appointed by the Washington association of criminal
2 defense lawyers who has experience in death penalty cases;

3 (f) One member appointed by the Washington defenders association
4 who has experience in death penalty cases;

5 (g) Two members appointed by the Washington association of
6 prosecuting attorneys who have experience in death penalty cases;

7 (h) One member appointed by the Washington association of sheriffs
8 and police chiefs;

9 (i) One member from a crime victims' organization, appointed by the
10 task force members designated in (a) through (h) of this subsection;
11 and

12 (j) One civilian, appointed by the task force members designated in
13 (a) through (h) of this subsection.

14 (3) The task force shall choose its chair from among its members.

15 (4) The task force may conduct meetings, select officers, and
16 prescribe rules of procedure. The task force shall cooperate, act, and
17 function with legislative committees and executive agencies as
18 necessary to complete its business.

19 (5) The task force may contract with additional persons who have
20 specific technical or statistical expertise, if such expertise is
21 necessary to carry out the mandates of the study.

22 (6) Legislative members of the task force shall be reimbursed for
23 travel expenses in accordance with RCW 44.04.120. Nonlegislative
24 members are entitled to be reimbursed for travel expenses in accordance
25 with RCW 43.03.050 and 43.03.060.

26 (7) The task force shall report its findings and recommendations to
27 the governor, Washington supreme court, and appropriate committees of
28 the legislature by January 1, 2008.

29 (8) This section expires July 1, 2008.

30 NEW SECTION. **Sec. 3.** (1) The sum of fifty thousand dollars, or as
31 much thereof as may be necessary, is appropriated for the fiscal year
32 ending June 30, 2007, from the state general fund to the administrative
33 office of the courts for the purposes of providing staffing and support
34 to the death penalty task force.

35 (2) The sum of one hundred thousand dollars, or as much thereof as
36 may be necessary, is appropriated for the fiscal year ending June 30,

1 2008, from the state general fund to the administrative office of the
2 courts for the purposes of providing staffing and support to the death
3 penalty task force.

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